



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: May 11, 2010

SUBJECT: BZA Case No. 18062, 1750-1752 N Street, N.W.
Square 159, Lots 70 and 88

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

- **A special exception pursuant to § 508 of Title 11 DCMR**, to permit the conversion of 1750 N Street, N.W. to office use;
- **A variance pursuant to § 2001.3 of Title 11 DCMR**, to permit an addition to the nonconforming structure at 1750 N Street, N.W. (Lot 70); and
- **A modification to an approved special exception pursuant to Order 12783**, to allow the building at 1752 N Street, N.W. (Lot 88) to be connected to the building at 1750 N Street, N.W. (Lot 70), and the lots to be combined.

II. AREA AND SITE DESCRIPTION

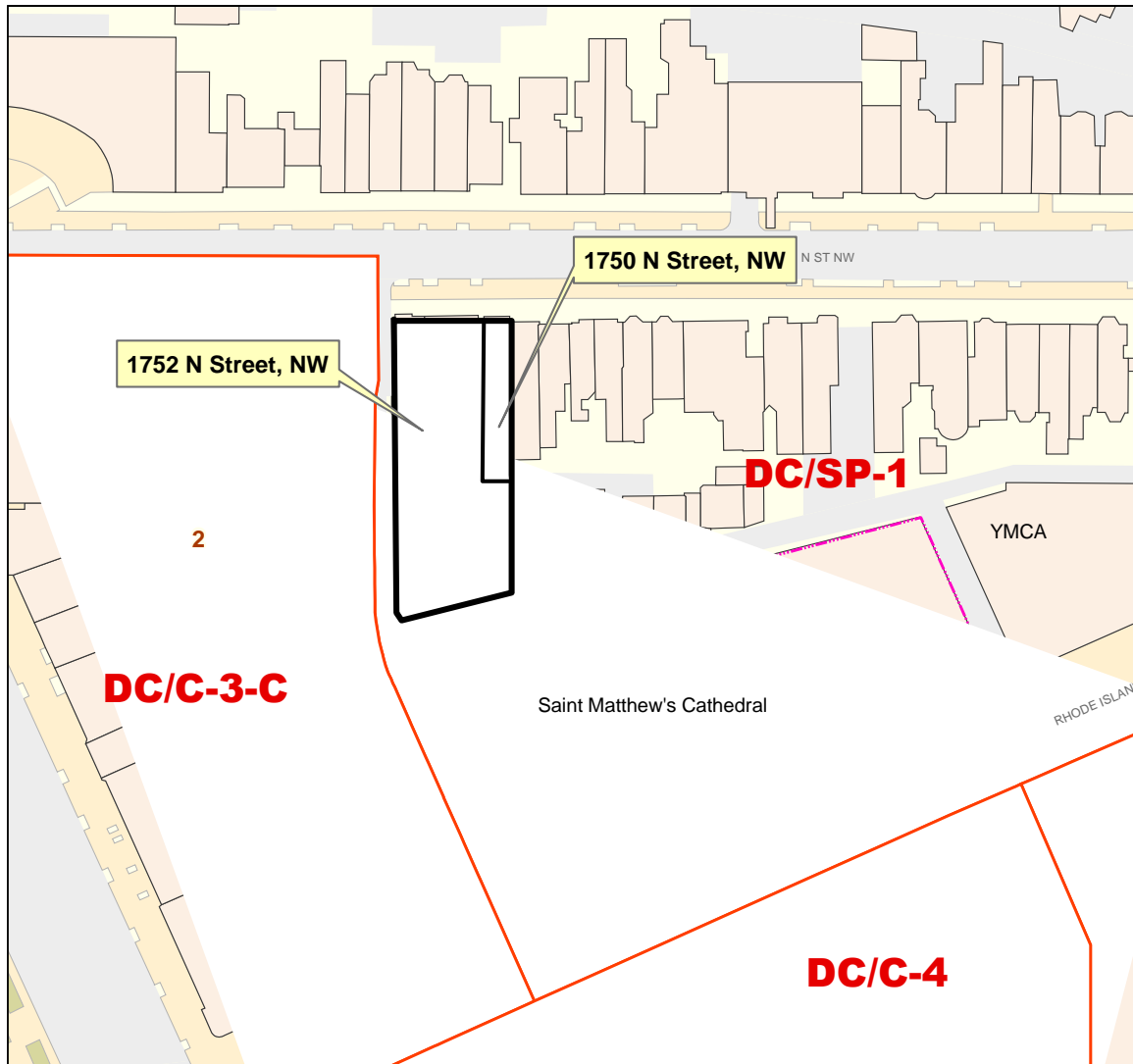
Address	1750-1752 N Street, N.W.
Legal Description	Square 159, Lots 70 & 88
Ward	2
Lot Characteristics	Rectangular lot, with alley access from the south side at the rear.
Existing Development	Four two-story structures and one eight-story office building
Zoning	SP-1 – medium density limited offices and apartments DC – Dupont Circle Overlay District
Adjacent Properties	North: Across P Street, offices and hotels South: Across public alley, Saint Matthew's Cathedral East: Offices West: Across public alley, offices
Historic District	Dupont Circle
Surrounding Neighborhood Character	Mixture of office, embassy, hotel and institutional uses.

III. APPLICATION IN BRIEF:

The applicant, the American Society of Microbiology (ASM), has acquired the building at 1750 N Street, N.W., and proposes to expand its headquarters, located within the adjacent building to the west and south, into it. The interior of 1750 N Street would be renovated to accommodate additional conference room



and office space, with interior connections provided on each level with the existing headquarters building. No changes would be made to the exterior of the building with the exception of the restoration of external features of the building and the removal of a brick wall that separates the rear yard of 1750 N Street from the closed courtyard at 1752 N Street. No new construction is proposed, and no additional parking or loading would be provided.



Zoning and Vicinity Map

IV. HISTORY

The subject property is made up of two lots, Lot 88 and Lot 70. Lot 88 (1752 N Street, N.W.) is the location of the existing headquarters of the ASM, and Lot 70 (1750 N Street, N.W.) is an adjacent lot recently purchased by the applicant.

Lot 88 is improved with three four-story historic row houses constructed about 1887 and an eight-story office building that was constructed to the rear of those row houses in 1980. The buildings are interconnected. BZA Order 12783, dated July 9, 1979, permitted the following:

- construction of the eight-story office building addition to the rear, 89 feet 10 inches in height;

- conversion of 1752 N Street, N.W., one of the three row dwellings, to office use;
- increase in FAR for nonresidential use to more than 2.50; and
- increase in percentage of lot occupancy to more than 80 percent.

The other two historic row houses had been previously converted to office use.

In 1999 the American Society of Microbiology purchased 1752 N Street, N.W. (Lot 88) and constructed an atrium pursuant to BZA Order 16470, dated August 17, 1999. That order permitted:

- an increase in FAR on Lot 88 to 5.5375;
- a decrease in the minimum area of a closed court from 250 to 246.5 square feet; and
- an increase in lot occupancy to 90 percent.

BZA Order 16827, dated June 26, 2002, permitted the conversion from residential to office use of 1750 N Street (Lot 70) and an increase the FAR for nonresidential uses from 2.50 to 2.57. However, no Certificate of Occupancy was ever granted for the office use and the approval expired in 2004. The applicant now proposes to expand its offices into 1750 N Street.

V. OFFICE OF PLANNING ANALYSIS

The applicant's proposal to consolidate the two lots results in a situation where the proposed new lot would have a lower percentage of lot occupancy and a lesser FAR than that which was permitted for Lot 88 under BZA Order 16470. The new lot would still be nonconforming to lot occupancy and FAR, but would be closer to the maximums permitted. The consolidation of the rear yard of 1750 N Street and the closed court at 1752 would result in a conforming closed court and a conforming rear yard for the new lot.

Special exception relief is required to permit the conversion of the building at 1750 N Street to office use, as the SP zone allows this use only by special exception and the previous approval in 2002 has lapsed. Variance relief is also required to extend a nonconforming structure on Lot 70. Section 2001.3 permits the enlargement of a nonconforming structure only if the building conforms to structure and use requirements, but the existing structure at 1750 N Street has a FAR of 2.57, all of which the applicant proposes to use as office space. Section 531.1 permits a maximum nonresidential FAR of 2.50 within the SP-1 district.

Special exception pursuant to § 508 – Office Uses

Conversion of the existing building at 1750 N Street to office use shall be permitted in an SP district if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions.

508.3 The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property.

No exterior construction is proposed, only interior renovations to accommodate office and conference room use. The exterior of the building, originally constructed as a residential row house, would be restored, similar to the restoration of other row houses on the block. Height, bulk and exterior design would remain unchanged. Office use of the building would be similar to the use of most of the surrounding properties.

508.4 *The use shall not create dangerous or other objectionable traffic conditions.*

Loading and parking for 1750 N Street now takes place from the street. Although no parking and loading would be required because of its location within a historic district, the existing parking and loading at the ASM building would become available as a result of the interconnections between the buildings at 1750 N Street.

508.5 *The Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it deems necessary to protect the value of neighboring property.*

The Office of Planning does not recommend any special treatments.

A variance pursuant to § 2001.3 of Title 11 DCMR

Section 2001 of the Zoning Regulations permits the enlargement or addition of a nonconforming structure provided the building conforms to use and structural requirements. The existing building at 1750 N Street would not be conforming if devoted solely to office use, as proposed, because the maximum nonresidential FAR permitted within the SP-1 district is 2.50, less than the 2.57 existing. Therefore, a variance to permit the addition of a building with a nonconforming FAR would be required.

Uniqueness

The subject property is unique as a result of its existing development. The proposed development is a combination of four structures built as residential row houses that have been converted to office use and a modern office building constructed to the rear. The building at 1750 N Street, which predates the adoption of the Zoning Regulations, exceeds the FAR permitted for nonresidential uses as currently constructed. The existing ASM headquarters property blocks all access to the public alley systems and abuts 1750 N Street on the south and west.

Practical Difficulty and Exceptional Situations

Without the granting of a variance to modestly increase the FAR of Lot 70 from 2.50 to 2.57, a small portion of the 1750 N Street building would have to be used residentially. Residential use of a small portion of what is otherwise an office building, surrounded on all sides by office use and with no alley or off-street parking access, would result in a practical difficulty.

Intent of the Zone Plan

The granting of a variance to FAR should not have an adverse effect on the Zone Plan. The requested increase from 2.50 to 2.57 for Lot 70 would allow for the consolidation of two lots with no increase in floor area. Although the FAR for nonresidential use on Lot 70 would increase by 0.07, the nonresidential FAR would decrease from 5.5375 on Lot 88 to 5.15 for the new combined lot, bringing the new combined property closer to conformance with the maximum set by Section 531.1 of the Zoning Regulations.

Modification to Order 16470

As a part of the subject application the applicant proposes to modify the previous special exception approval that permitted the office use of 1752 N Street, N.W., the current headquarters of ASM. Expansion of the headquarters use into the adjoining building next door at 1750 N Street would require a modification of that approval. Although office use would continue within the existing headquarters building, the two lots would be consolidated into one lot, resulting in a 13,739.36 square foot lot devoted to office use. Although lot size would increase, lot occupancy would decrease from 90 to 87 percent, nonresidential FAR would decrease from 5.375 to 5.15 and the need for a variance to permit the area of a closed court to be 246.5 square feet would be eliminated. Maximum building height would remain unchanged at 80 feet, 10 inches and no new construction is proposed.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC 2B, at its regularly scheduled meeting on April 14, 2010, voted to support the application.

The applicant informed the Office of Planning that The Dupont Circle Conservancy recommended approval of the application.

The National Association of Broadcasters, located at 1771 N Street, N.W., submitted an email on April 20, 2010 to the applicant in support of the application.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of a variance, special exception and modification to the special exception granted under Order 16470 to allow the conversion to office use of Lot 70, the increase in FAR for Lot 70 for nonresidential use from 2.50 to 2.57, and the resulting decrease in FAR from 5.5375 for Lot 88 to 5.15 for the two lots combined. Therefore, the Office of Planning recommends **APPROVAL** of the application.

JS/sjm^{AICP}

Project Manager: Stephen J. Mordfin, AICP